REMARKS

I. STATUS OF THE CLAIMS

It is respectfully submitted that claims 1-3 and 6-10 are currently pending.

II. REJECTION OF CLAIMS 1-3 AND 6-10 UNDER 35 U.S.C. § 103(a) AS BEING UNPATENTABLE OVER TAN ET AL. (U.S. PATENT NO. 6,542,549) IN VIEW OF KATO (U.S. PATENT NO. 6,744,927)

Claim 1 recites determining the performance level of a machine to be used through measurement, in the system, of a time required for coding of a video object plane and causing each distribution module to change, in accordance with the performance level, a kind and use frequency of a video object plane to be used, to thereby select a coding algorithm which enables highly efficient compression. Claims 3, 9 and 10 recite somewhat similar features. The Applicant respectfully submits that the cited art fails to teach the above features.

Tan discusses "a method and model for regulating the computational and memory requirements of a compressed bitstream in a video decoder." Column 1, lines 9-11, of Tan. A video buffer model, as illustrated in Fig. 10, has a video buffer verifier that "is required in order to bound the memory requirements for the bitstream buffer needed by a video decoder, with which, the video encoder can be constrained to make bitstreams which are decodable with a predetermined memory buffer size." See Fig. 10 and column 8, lines 32-37, of Tan. "The video buffer verifier 202 attached to the output of the encoder 201 is used to simulate the bitstream buffer 204 present in an actual decoder 203." Column 8, lines 37-40, of Tan.

Tan does not determine the performance level of a machine to be used through measurement, nor does it measure a time required for coding of a video object plane. As discussed in Tan, VBV "is an algorithm for checking a bitstream with its delivery rate function, R(t), to verify that the amount of rate buffer memory in a decoder is less than the stated buffer size." Column 11, lines 29-32, of Tan. However, per the above, Tan also states that the video buffer verifier attached to the output of the encoder is used to simulate the bitstream buffer present in an actual decoder. See column 8, lines 37-40, of Tan. In other words, Tan simulates a time required for **decoding** a stream. Tan does not teach measuring a time required for **coding** a video object plane, as recited in claim 1. Further, nothing is cited or found in Kato that teaches or suggests this feature. Thus, Tan and Kato, both individually and in combination, fail to render claim 1 unpatentable under 35 U.S.C. § 103(a).

The above comments are specifically directed to claim 1. However, it is respectfully submitted that the comments would be useful for understanding various differences of various other claims over the cited art.

In view of the above, it is respectfully submitted that the rejection is overcome.

III. CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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